

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 10518 of 2004(B)

PETITIONER:

JAYADHARAN NAIR,
PALOOR HOUSE, KOKKAD, KOTTARAKKARA.

BY ADV. SRI.B.KRISHNA MANI
SRI.RAHUL VENUGOPAL

RESPONDENTS:

1. THE SYNDICATE BANK,
PANAVELI BRANCH, KOTTARAKKARA, KOLLAM DISTRICT,
REPRESENTED BY ITS BRANCH MANAGER.
2. THE TAHSILDAR (R.R), KOTTARAKKARA.
3. THE DISTRICT COLLECTOR, KOLLAM.
4. KOCHUNARAYANAN NAIR,
KOTTARAKKARA, KOLLAM.

R1 BY ADV. SRI.R.S.KALKURA
R2 AND R3 BY G.P. SRI. P. RAVINDRA BABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ELECTRICITY BILL DATED 8.5.2003

EXT.P2 TRUE COPY OF THE ELECTRICITY BILL DATED 7.7.2003

EXT.P3 TRUE COPY OF THE ELECTRICITY BILL DATED 6.9.2003

EXT.P4 TRUE COPY OF THE ELECTRICITY BILL DATED 8.1.2004

EXT.P5 TRUE COPY OF THE ELECTRICITY BILL DATED 8.3.2004

EXT.P6 TRUE COPY OF THE RECEIPT DATED 12.3.2004 ISSUED BY THE BANK.

EXT.P7 TRUE COPY OF THE NOTICE DATED NIL UNDER THE PROVISIONS OF THE RR ACT.

EXT.P8 TRUE COPY OF THE NEWS ITEMS DATED 10.3.2004 IN MALAYALA MANORAMA,
KOLLAM EDITION.

EXT.P9 TRUE COPY OF THE NEWS ITEMS DATED 11.3.2004 IN MALAYALA MANORAMA,
KOLLAM EDITION.

EXT.P10 TRUE COPY OF THE NEWS ITEMS DATED 12.3.2004 IN MALAYALA MANORAMA
KOLLAM EDITION.

EXT.P11 TRUE COPY OF THE REPRESENTATION DATED 15.3.2004 BEFORE THE DISTRICT
COLLECTOR, KOLLAM.

EXT.P12 TRUE COPY OF THE REVENUE RECOVERY NOTICE DATED NIL ISSUED BY THE 2ND
RESPONDENT TO THE PETITIONER.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N. RAMACHANDRAN NAIR, J.

W.P.C. NO. 10518 OF 2004

Dated this the 14th day of December, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for Syndicate Bank. Even though petitioner's property was sold in recovery proceedings, sale is not confirmed as of now. Counsel for the petitioner submitted that loan availed in 1995 was for piggery and the petitioner has paid Rs. 1.8 lakhs. In the circumstances, and since the loan is a priority sector loan, W.P. is disposed of directing the first respondent to grant OTS benefits to the petitioner under RBI guidelines and grant time till 15.3.2008 to settle liability. Petitioner will make an application before the first respondent for granting OTS benefit without any delay. Interim order of stay granted against confirmation of sale will continue till 15.3.2008 and thereafter sale will get cancelled on petitioner clearing the arrears and on petitioner paying cost if any payable to the purchaser of property which will be refunded along with the amount deposited to the purchaser by the second respondent. If petitioner commits default, then all recovery proceedings including confirmation of sale can be pursued by the Tahsildar.

(C.N. RAMACHANDRAN NAIR)
Judge

